

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

RENNOLDS AIR CONDITIONING, INC. a  
Florida corporation; DANIEL L. RENNOLDS an  
individual,

Plaintiffs,

-vs-

Case No. 2:09-cv-53-FtM-99SPC

PHILLIPS A/C & HEATING SERVICES a limited  
liability corporation; WYNN MASHONE  
PHILLIPS individually a/k/a Shone Phillips d/b/a  
www.rennoldsairconditioning.com d/b/a  
www.rennoldsac.com,

Defendants.

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**ORDER**

This matter comes before the Court *sua sponte*. A review of the docket shows that a Motion to Dismiss, Strike and/or For More Definite Statement (Doc. #11) was filed on March 18, 2009. However, it appears the Plaintiff has not filed a responsive pleading in accordance with the Federal and Local Rules. Although other filings have been entered subsequently, including a Case Management and Scheduling Order (Doc. #17), the Plaintiff has not filed their Response. Therefore, the Plaintiff shall file a response to the Motion to Dismiss as directed below. Failure to comply will result in the Court addressing the Motion without benefit of a response.

Accordingly, it is now

**ORDERED:**

The Plaintiff shall file a Response to the Defendant's Motion to Dismiss, Strike and/or For More Definite Statement (Doc. #11) on or before **FEBRUARY 16, 2010**. Failure to do so will result in the Court addressing the Motion without the benefit of a response.

**DONE AND ORDERED** at Fort Myers, Florida, this   2nd   day of February, 2010.

  
**SHERI POLSTER CHAPPEL**  
**UNITED STATES MAGISTRATE JUDGE**

Copies: All Parties of Record